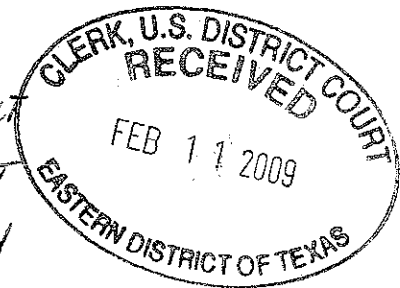


IN THE UNITED STATES DISTRICT  
COURT FOR THE EASTERN DISTRICT  
OF TEXAS TYLER DIVISION



DREABLAN SYLVESTER DAVIS  
VS.  
THE TEXAS BOARD OF CRIMINAL  
JUSTICE RT., AL.

CIVIL ACTION NO. 6:08-CV-237  
OBJECTION TO EXHIBIT B, OF DE-  
FENDANT'S AFFIDAVIT TO EXHIBIT A;  
PLAINTIFF'S ADDITIONAL OBJECTIONS/  
FURTHER OBJECTIONS TO MAIN DOCUMENT  
FILED JANUARY 29, 2009. (OBJECTIONS TO  
DEFENDANT MOTION FOR SUMMARY JUD-  
GMENT) ORAL ARGUMENT HEARING IS  
REQUESTED/NEEDED.

1. MY NAME IS DREABLAN SYLVESTER DAVIS 1271774, I AM OVER THE AGE TWENTY-ONE, OF SOUND MIND, CAPABLE OF MAKING THIS AFFIDAVIT AND THE FOLLOWING INSTRUMENT OF MY OWN FREE WILL AND PERSONALLY ACCOUNTED WITH THE FACTS HEREON STATED.
2. THE PLAINTIFF COMES NOW BEFORE THE HONORABLE COURT FILING OBJECTIONS TO EXHIBIT B OF DEFENDANT'S AFFIDAVIT TO EXHIBIT A; AND THE PLAINTIFF'S ADDITIONAL OBJECTIONS/FURTHER OBJECTIONS TO THE MAIN DOCUMENT FILED JANUARY 29, 2009. (OBJECTIONS TO DEFENDANT MOTION FOR SUMMARY JUDGMENT)
3. THE DEFENDANT HAS FILED A LATE AFFIDAVIT FOR HIS EXHIBIT (TDCS POLICY) IN VIOLATION OF FRCP 10, 11, 16(F), 26(G), 37, 41(b), 56(G) OR 28 USC § 1927.
4. NOW, MAYBE THE DEFENDANT'S ATTORNEY MADE A SIMPLE MISTAKE THAT THE HONORABLE COURT SHOULD OVERLOOK, BUT THAT'S HIGHLY UNLIKELY. WHY? BECAUSE

THE DEFENDANT'S ATTORNEY IS ONE OF THE BEST IN THE STATE OF TEXAS, HE'S THE ASST. ATTORNEY GENERAL FOR GOD'S SAKE. I'M MORE THAN SURE THE STATE OF TEXAS WOULD HAVE THE VERY BEST DEFENDING AND PROSECUTING THEIR INTERESTS.

5. BUT LETS TAKE A VERY CLOSE LOOK AT THE EXHIBIT B "AFFIDAVIT," (1) THE PEOPLE WHO HAVE SIGNED OFF ON THIS AFFIDAVIT, NOTARIZED, AND ELECTRONICALLY FILED THIS DOCUMENT ARE AS FOLLOWS; KAREN HALL, MANAGER EXHIBITIVE SUPPORT, TDCS (WROTE THIS AFFIDAVIT); MICHELLE WHITE-COTTON, POLICIA/EXHIBITIVE SERVICE (NOTARIZED THIS AFFIDAVIT), DEFENSE COUNSELOR (CHRISTOPHER CHAMPION WIKIE (ELECTRONICALLY FILED THIS AFFIDAVIT). (2) THE VERY LAST SENTENCE ON THE AFFIDAVIT SAYS THIS DOCUMENT WAS CREATED ON THE 23RD. DAY OF JANUARY 2009 A.D. BUT, YET THE TRANSMISSION IS DATED 1-29-09 AT 9:30AM CST AND FILED ON 1-29-2009 BY WIKIE, CHRISTOPHER AS DOCUMENT NUMBER 64. "SOMETHING IS NOT RIGHT HERE."

6. ALSO, THERE IS NOTHING IN COMPLIANCE TO MAKE THIS A LEGAL ADDITIONAL ATTACHMENT. ITS NOT "ASKING" THE COURT TO HAVE MERELY AND SUBMIT ANY PAPERS INTO THE RECORD WHATSOEVER, THE DEFENDANT IS SIMPLY FOLLING OR DEMANDING WITHOUT CONSENT FROM THIS HONORABLE COURT TO FILE THIS COMPLETELY OUT OF COMPLIANCE PAPER TO THIS HONORABLE COURT'S RECORD.

7. THIS DOCUMENT (THE DEFENDANT'S EXHIBIT B) WAS SIMPLY FILED IN "BAD FAITH", AND "THE PLAINTIFF ASKS THIS HONORABLE COURT TO SANCTION THE DEFENDANT AND PAY THE PLAINTIFF ATTORNEY FEES IN THE AMOUNT OF ONE HUNDRED AND FIFTY DOLLARS ZERO CENTS. (\$150.00)." I HAVE TO DEFEND MYSELF AGAINST ANY AND ALL ACCUSATIONS BROUGHT AGAINST ME IN THIS SUIT, IF I DON'T "IT WILL BE HELD AGAINST ME" GOOD OR BAD.

8. THE PLAINTIFF ALSO POINTS OUT THAT THE CAUSE NO. ON THE AFFIDAVIT

IT SELF IS INCORRECT, THIS EXHIBIT B IS NOT SIGNED BY COUNSEL, THERE IS NO ADDRESS OR PHONE NUMBER, THIS DOCUMENT HAS BEEN BACK DATED, AND ITS NOT ASKING THIS HONORABLE COURT FOR PERMISSION TO SUBMIT THIS DOCUMENT INTO RECORD, BY LAW ALONG THESE EXHIBITS A AND B ARE SUBMITTED OUT OF COMPLIANCE/IN BAD-FAITH, THIS HONORABLE COURT IS OBLIGATED TO SANCTION THE DEFENSE TEAM FOR THIS BLATANT DISREGARD FOR LAW AND PROFESSIONALISM, AND ORDER ATTORNEY FEES TO BE PAID TO THE PLAINTIFF.

9/11. THE PLAINTIFF FURTHER OBJECTS TO THE DEFENDANTS SUMMARY JUDGMENT MOTION WITH MORE EVIDENCE OF LAW BY THE HONORABLE 5TH CIR. COURT AND THE GREAT AND HONORABLE SUPREME COURT.

10/2. THE SUPREME COURT HAS STATED; A PRISONER IS NOT WHOLLY STRIPPED OF CONSTITUTIONAL PROTECTIONS WHEN HE IS IMPRISONED FOR CLEMMER WOLFF V. McDONNELL 418 U.S. 539, 555, 94 S.Ct. 2963, 2974 (1974). IT IS NOW SETTLED LAW, THEREFORE, A PRISONER LOSES ONLY THOSE RIGHTS THAT MUST BE SACRIFICED TO SERVE "LEGITIMATE PENOLOGICAL NEEDS". NEUMAN V. ALABAMA 559 F.2d. 283, 286-87 (5TH CIR. 1977).

11/3. HERE IN THIS PARTICULAR CASE WILL HAVE TDCS POLICY (ADMINISTRATIVE DIRECTIVE A.D. 03.22), IN THE DEFINITIONS SECTION, THERE IS A SECTION NAMED "VISUAL/PAT SEARCH". IN THIS SECTION IT STATES, IN PRISONER PART; "USING OPEN PALMS" ALONG THE OFFENDERS SIDES, ARMS, LEGS, "CROTCH", "GENITAL", AND BREAST AREA, "INSPECTING FOR UNUSUAL OR ABNORMAL BULGES, OR LUMPS IN THE CLOTHING THAT MAY INDICATE A CONCEALED ITEM".

12/4. IF THIS POLICY SAYS TO USE "OPEN PALMS" TO RUB ALL OVER MY BODY (CROTCH AND GENITAL AREAS, WHY ARE OFFICERS STILL ALLOWED TO TAKE MY CLOTHES OFF ON THE MAIN HALLWAYS AND PUBLIC AREAS IN PRISON, WHEN

THEY HAVE NOT FOUND ANY CONTRABAND ON THE INMATE.

13/5. THE FOURTH AMENDMENT MANDATES, SEARCHES OR SEIZURES CONDUCTED ON PRISONERS MUST BE REASONABLE UNDER ALL THE FACTS AND CIRCUMSTANCES IN WHICH THEY ARE PERFORMED. UNITED STATES OF AMERICA V. MARRILYN M. GALLAGHER 576 F.2d. 1240 (1978).

14/6. IN SHORT THIS POLICY DOESN'T SAY "WHEN" OR "WHERE" TO PERFORM THESE SEARCHES NAMELY "STRIP SEARCHES". IT STATES IN THE POLICY THAT ALL SEARCHES SHALL BE PERFORMED IN A PROFESSIONAL MANNER. WHAT IS PROFESSIONAL ABOUT "ORDERING" A HUMAN BEING TO GET COMPLETELY NAKED IN FRONT OF AT LEAST 50 (FIFTY) PEOPLE OR MORE, AT ANYTIME, IN A PLACE USED BY OFFICERS AND NON-OFFICERS, SEXUAL PREDATORS AND THE LIKE. NOTHING, 15/7. DOES THE DEFENDANT SCREEN POTENTIAL EMPLOYEES FOR BEING HOMOSEXUAL OR SEXUAL PERVERSION? YOU CAN'T, BUT THESE ARE THE PEOPLE YOU'VE INSTRUCTED TO RUB THEIR "OPEN PALMS" ALL OVER MY BODY INCLUDING MY CROTCH AND "GENITAL" AREAS. HE HAS ALSO INSTRUCTED THESE VERY SAME PEOPLE TO TAKE MY CLOTHES OFF IN FRONT OF EVERYBODY ON THE MAIN HALLWAYS. THERE IS NO DESIGNATED AREA MANDATE IN THIS POLICY. THE DEFENDANT HAS ALLOWED HIS STAFF MEMBERS TO VIOLATE MY FOURTH AMEND. RIGHTS, DEMORALIZE, DEGRADE, AND HUMILIATE ME IN FRONT OF ALL THAT WERE PRESENT. 16/8. TO FURTHER SHOW THIS HONORABLE COURT THE WRONGS DONE TO ME BY THE DEFENDANT BLAIR LIVINGSTON, THE PLAINTIFF ASKS IF THIS UNCONSTITUTIONAL STRIP SEARCH WAS DONE DURING AN EMERGENCY SITUATION, WHETHER IF IT WERE, IT COULD HAVE POSSIBLY BE CONSIDERED A LEGITIMATE PSYCHOLOGICAL NEED.

17/9. THE ANSWER IS "NO". IF IT WERE, THE DEFENSE TEAM WOULD HAVE ALREADY GRABBED THIS DEFENSE, BECAUSE ITS A MUCH BETTER DEFENSE THAN ANY-

THAT HE HAS TOLD OR EXPLAINED TO THIS HONORABLE COURT THUS FAR.  
STATE V. PRILEY 29 OHIO APP. 2d. 33, 278 N.E. 2d. 50, 53.

### CONCLUSION

THE PLAINTIFF HAS SHOWN THROUGHOUT THIS ENTIRE CASE THE WRONGS AND CONSTITUTIONAL VIOLATIONS THE DEFENDANT "BLAIR LIVINGSTON" HAS DONE TO HIM BY WRITING A POLICY OR OVERSEEING THE WRITING OF A POLICY THAT ALLOWS HIS EMPLOYEES TO STRIP ME COMPLETELY NAKED ON THE MAIN HALLWAY AS A DISPLAY FOR OFFICERS, NONOFFICERS, SEXUAL PREDATORS IN THE INMATE POPULATION AND FEMALE OFFICERS IN A NON EMERGENCY SITUATION. BY THE ACTUAL LAW HE IS GUILTY, THERE IS NO OTHER WAY TO LOOK AT THIS, THERE IS NO REAL JUSTIFICATION FOR THESE ACTIONS OF THE DEFENDANT. IF THE PARTIES CAN NOT MAKE A COMPROMISE AND SETTLE THIS MATTER, PLEASE ALLOW US THE PARTIES A JURY TRIAL. THE DEFENDANT "BLAIR LIVINGSTON" IS WRONG BY LAW AND SHOULD BE HELD ACCOUNTABLE FOR HIS ACTIONS. AS FOR THE DEFENDANT'S SUMMARY JUDGMENT MOTION, THIS MOTION SHOULD BE DISMISSED AS FRIVOLOUS BECAUSE, (1) THE PLAINTIFF WAS NOT GIVEN A FAIR NOTICE PURSUANT TO FRCP 56, IT LACKS ANY TRUE LEGAL MERITS, (2) THE EXHIBITS WERE FILLED OUT OF COMPLIANCE TO THE LAW. THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT IS COMPLETELY FRIVOLOUS AND SHOULD BE DISMISSED IMMEDIATELY.

### PRAYER

THE PLAINTIFF PRAYS THIS HONORABLE COURT WILL SUSTAIN ALL OBJECTIONS IN FAVOR OF THE PLAINTIFF AND ALLOW THIS CASE TO PROCEED TOWARD TRIAL.

RESPECTFULLY SUBMITTED,  
D. L. D.

DATE: FEBRUARY 6, 2009

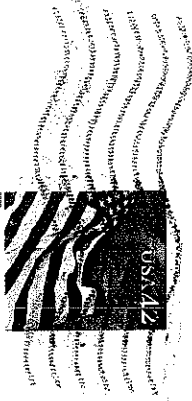
DAAGLEN S. DAVES  
1271774 Y-215B  
ROUTE 1, Box 150  
TENN. COLONY, TX. 75884  
903-928-2211 (006)  
PRO SE LITIGANT

### CERTIFICATE OF SERVICE

I, DAAGLEN SYLVESTER DAVES 1271774, CERTIFY THAT A TRUE AND CORRECT COPY OF THIS INSTRUMENT HAS BEEN PLACED IN THE INMATE MAIL BOX FOR DELIVERY TO BE MADE BY THE UNITED STATES POSTAL SERVICE TO THE DEFENSE ATTORNEY CHRISTOPHER C. WIKER, P.O. Box 12548, CAPITAL STATION, AUSTIN, TX. 78711-2548.

DAVID L. S. DAVIS  
1271774 Y-2158  
Route 1, Box 150  
FARM, Colony, TX, 75884

EAST TEXAS POST  
TX 75731  
10 FEB 2009 PM



UNITED STATES DISTRICT  
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